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municipal government and there was no restriction in the State constitution on the legislative right to enact laws fixing the rate which laborers on public work should receive, the statute should be upheld. But it would seem indeed an unwarrantable interference of civic rights that a municipal corporation's ability to contract for its public works should be subordinated at will to the legislative authority which, in the course of events, might tend to most dangerous results. The principles of taxation as well as the Constitution of the country would thereby be violated.

The contention at times has been made by certain advocates of labor, and those interested in the solution of social problems, that the legislature might constitutionally fix minimum wages to govern private as well as public corporations. It is to be hoped that this mooted question will definitely be settled by the opinions of the highest courts in two of the States, as expressed in the above cited cases.

JURISDICTION OVER FOREIGN CORPORATIONS.

In the case of *Central Grain and Stock Exchange of Hammond, appellant, v. the Board of Trade of the City of Chicago*, not yet reported, but to be found in *Chicago Legal News* for Oct. 10, the necessity of deciding jurisdictional facts before considering the merits of a cause was passed upon. In that case the Board of Trade filed a bill to restrain the appellant, defendant below, from using its stock quotations without permission. A subpoena was served on the secretary and in due course the appellant appeared specially for the purpose of objecting to the jurisdiction, and on affidavits to the effect that the appellant was a foreign corporation not doing business in the State, or capable of doing business in the State, or ever having done business in the State, or having any officers in the State for the purpose of transacting the business of the appellant, moved to quash the writ of service. The court referred the question of jurisdiction to a master, and later, on motion of the plaintiff, who had been unable to serve the president of appellant as a witness before the master, ordered the appellant to cause the president to appear by a certain date. As the president did not appear a second motion was granted ordering the appellant to cause its president to appear or an injunction would issue as prayed by the plaintiff. On default of the president an order was issued to the master to defer his report until the president should appear before him, and a preliminary injunction was issued against the appellant. From this the appellant appealed. The Circuit Court of Appeals for the Seventh Circuit held that the order was unwarranted and dismissed the injunction. The conclusion reached would doubtless be followed except in those States where an appeal is held to be a waiver of jurisdictional rights; *Fee v. Big Sand Iron Co.*, 13 Oh. St. 563; *Ruthe v. Ry.*, 37 Wis. 344; *Hodges v. Frazier*, 31 Ark. 58; *Ry. v. Heath's Adm'r.*, 87 Ky. 651; and possibly in

Texas, where it has been held that appearance by a non-resident person, or corporation, when sued by citation, although expressly to plead to jurisdiction, is a waiver. *York v. State*, 73 Tex. 651. The federal authorities are uniform to the effect that appeal does not waive the right to plead to jurisdiction, provided a special appearance for the purpose of asserting these defects was interposed before a plea to the merits was made necessary by the overruling of the motion to set aside service. *I Foster's Federal Practice*, 272; *Harkness v. Hyde*, 98 U. S. 476.

Granting the truth of the appellant's affidavits, what would have resulted had he disregarded the injunction, or a judgment of the lower court instead of appealing as he did?

1. As to the effect of an injunction granted without jurisdiction over the person see *Hart v. Sansom*, 110 U. S. 154; *Bisph. Eq.* 67. In granting injunctions the court acts *in personam*. The persons to which its orders are addressed must be within reach of the court, or amenable to its jurisdiction; *Kerr Injunc.* 6: "While it is seen that courts of equity exact the most implicit obedience to the writ of injunction, and treat its willful violation as a most flagrant contempt of court, the doctrine is to be understood with the qualification that the court has jurisdiction over the subject-matter"; *High Injunc.*, sec. 1425, and in proceedings for contempt the proper inquiry is whether the court had jurisdiction over the parties and subject-matter, *High Injunc.*, sec. 1416; *State v. Baldwin*, 57 Ia. 266.

2. As to the effect of a judgment. A judgment would be void, 12 *Ency. Pl. & Prac.* 179; for a valid judgment *in personam* cannot be obtained against one not in the jurisdiction who has not been personally served with process. *Pope v. Terre Haute Car & Mfg. Co.*, 87 N. Y. 137. And by the great weight of authority there was no valid service, the rule being that if the corporation is not doing business within the State, service on an officer casually within the State is not service on the corporation. *Marshall Corp.* 1200; *St. Clair v. Cox*, 106 U. S. 350; *Goldey v. The Morning News Co.*, 156 U. S. 518. The agency of the person served for the purpose of accepting service must appear of record or any judgment is open to attack by showing it is void for want of jurisdiction. 6 *Thomp. Corp.*, sec. 7506; *Barrow S. S. Co. v. Kane*, 170 U. S. 100.

From the above it appears that the appellant might have disregarded the action of the lower court provided his jurisdictional affidavits should be upheld.